



Ninety-Eighth Legislature - Second Session - 2004
Committee Statement
LB 1114

Hearing Date: February 10, 2004

Committee On: Banking, Commerce and Insurance

Introducer(s): (Landis)

Title: Adopt the Uniform Securities Act

Roll Call Vote – Final Committee Action:

- X Advanced to General File
 Advanced to General File with Amendments
 Indefinitely Postponed
-

Vote Results:

8	Yes	Senators Quandahl, Tyson, Foley, Jensen, Johnson, Loudon, Mines, Redfield
	No	
	Present, not voting	
	Absent	

Proponents:

Senator David Landis
Michelle Clayton

John McCabe

Ron Sedlacek

Representing:

Introducer
National Conference of Commissioners on
Uniform State Law
National Conference of Commissioners on
Uniform State Law
NE Bankers Association

Opponents:

Representing:

Neutral:

Sam Baird

Representing:

NE Department of Banking and Finance

Summary of purpose and/or changes:

LB 1114 (Landis) would enact the Uniform Securities Act (USA) (2002) as approved by the National Conference of Commissioners on Uniform State Laws and would outright repeal the Securities Act of Nebraska, sections 8-1101 to 8-1123. The bill would also amend various sections throughout the statutes to harmonize terminology and internal references.

The bill, section by section, contains the following provisions (with the official text's section numbering shown in parentheses):

Article 1
General Provisions

- Section 1. Short title (USA Section 101)
- Section 2. Definitions (USA Section 102)
- Section 3. References to federal statutes (USA Section 103)
- Section 4. References to federal agencies (USA Section 104)
- Section 5. Electronic records and signatures (USA Section 105)

Article 2
Exemptions from Registration of Securities

- Section 6. Exempt securities (USA Section 201)
- Section 7. Exempt transactions (USA Section 202)
- Section 8. Additional exemptions and waivers (USA Section 203)
- Section 9. Denial, suspension, revocation, condition, or limitation of exemptions (USA Section 204)

Article 3
Registration of Securities and Notice
Filing of Federal Covered Securities

- Section 10. Securities registration requirement (USA Section 301)
- Section 11. Notice filing (USA Section 302)
- Section 12. Securities registration by coordination (USA Section 303)
- Section 13. Securities registration by qualification (USA Section 304)
- Section 14. Securities registration filings (USA Section 305)
- Section 15. Denial, suspension, and revocation of securities registration (USA Section 306)
- Section 16. Waiver and modification (USA Section 307)

Article 4
Broker-Dealers, Agents, Investment Advisers,
Investment Adviser Representatives, and
Federal Covered Investment Advisers

- Section 17. Broker-dealer registration requirement and exemptions (USA Section 401)

- Section 18. Agent registration requirement and exemptions (USA Section 402)
- Section 19. Investment adviser registration requirement and exemptions (USA Section 403)
- Section 20. Investment adviser representative registration requirement and exemptions (USA Section 404)
- Section 21. Federal covered investment adviser notice filing requirement (USA Section 405)
- Section 22. Registration by broker-dealer, agent, investment adviser, and investment adviser representative (USA Section 406)
- Section 23. Succession and change in registration of broker-dealer or investment adviser (USA Section 407)
- Section 24. Termination of employment or association of agent and investment adviser representative and transfer of employment or association (USA Section 408)
- Section 25. Withdrawal of registration of broker-dealer, agent, investment adviser, and investment adviser representative (USA Section 409)
- Section 26. Filing fees (USA Section 410)
- Section 27. Postregistration requirements (USA Section 411)
- Section 28. Denial, revocation, suspension, withdrawal, restriction, condition, or limitation of registration (USA Section 412)

Article 5
Fraud and Liabilities

- Section 29. General fraud (USA Section 501)
- Section 30. Prohibited conduct in providing investment advice (USA Section 502)
- Section 31. Evidentiary burden (USA Section 503)
- Section 32. Filing of sales and advertising literature (USA Section 504)
- Section 33. Misleading filings (USA Section 505)
- Section 34. Misrepresentations concerning registration or exemption (USA Section 506)
- Section 35. Qualified immunity (USA Section 507)

Section 36. Criminal penalties (USA Section 508)

Section 37. Civil liability (USA Section 509)

Section 38. Rescission offers (USA Section 510)

Article 6

Administration and Judicial Review

Section 39. Administration (USA Section 601)

Section 40. Investigations and subpoenas (USA Section 602)

Section 41. Civil enforcement (USA Section 603)

Section 42. Administrative enforcement (USA Section 604)

Section 43. Rules, forms, orders, interpretative opinions, and hearings (USA Section 605)

Section 44. Administrative files and opinions (USA Section 606)

Section 45. Public records; confidentiality (USA Section 607)

Section 46. Uniformity and cooperation with other agencies (USA Section 608)

Section 47. Judicial review (USA Section 609)

Section 48. Jurisdiction (USA Section 610)

Section 49. Service of process (USA Section 611)

Article 7

Transition

Section 50. Application of act to existing proceeding and existing rights and duties (USA Section 703)

Miscellaneous

Sections 51 to 72. Amendatory sections to harmonize terminology and internal references

Section 73. Severability clause (USA Section 612)

Section 74. Operative date of January 1, 2006

Section 75. Repealers of amendatory sections

Section 76. Repealers of outright repealed sections

Explanation of amendments, if any:

Senator Mark Quandahl, Chairperson